



LIVINGSTON EMPLOYER BREEZE

Volume 10, Issue 3

Published by the Livingston Job Service Workforce Center

In this issue

BEAR -
MEDA.....1

Labor Market
Statistics.....1

Multi-
Generation
Workplace.....2

Background
Checks.....3

Multi-
Generation
Workplace
Cont.4

BEAR

montana business expansion and retention

Montana Economic Developers Association (MEDA) was formed by the Governor's Office of Economic Development. MEDA sponsors educational seminars, workshops and conferences to advance the economic development profession; develops network and communications systems to disseminate information; and acts as a clearinghouse and contact point within Montana for other state, regional, national and international economic development organizations and agencies.

In 2005, MEDA established several Working Groups including Montana Business Expansion and Retention (BEAR), Legislative, Transportation,

Housing Development, Environmental, Agriculture, Workforce and Education, Tourism, and more to promote and advance economic development statewide through a collaboration of public and private entities including The Governor's Office of Economic Development, Montana Department of Commerce, and Montana Department of Labor and Industry.

Montana is one of several states to make the BEAR (Business Expansion and Retention) Program available statewide. The Montana BEAR Program is supported by local community entities that provide staff and financial support so that local business owners and operators

are able to access much needed resources allowing them to improve and/or expand their businesses.

"Providing opportunities to local communities to build their economy is critical," said Governor Brian Schweitzer. "Nobody knows what a community needs better than the folks who raise their families and make their living there. I am thrilled to be able to offer this tool to help our communities prosper."

The BEAR Program pulls together local business and community leaders to form a volunteer assessment team to address local needs. Assessment team members are trained in both the assessment process and in interviewing. Local area businesses who request the free service are visited by interviewers from the Assessment Team to conduct on-site surveys of the issues and needs of their local business. After reviewing the confidential survey the Assessment Team connects the client business to state, area, and local resources that will assist with the identified needs and issues including financing and capital, employment law, marketing and business plans, information technology, web development, government contracting, export/import assistance, manufacturing, and training and education. All businesses are important to the health and vibrancy of the economy and BEAR strives to help businesses grow, create future success, and improve profitability.

For more information, contact Sue at Livingston Job Service; 222-8907, or Josh at Northern Rocky Mountain Resource, Conservation, and Development - RC&D; 582-5700.

Minimum Wage Increase

On July 24, the federal minimum wage increased to \$6.55/hr and is scheduled to increase to \$7.25/hr on July 24, 2009. Montana's state minimum wage also increased to \$6.55/hr on July 24. It's scheduled to increase again January 1, 2009, by an amount that has not yet been determined. ❖

From June 2008 information	MT	U.S.
Unemployment rate/Non-seasonally adjusted	4.1	5.7
Area Unemployment Rates	2007	2008
Gallatin	2.3	3.2
Meagher	4.7	5.6
Park	2.6	3.7
Sweet Grass	1.6	2.1

The Multi-Generation Workplace

Contributed by Shelly Popp, PHR, Popp Consulting

This is **the most unique time** in American history—a time when four distinct generations are converging upon the workplace. Not only are they converging together --- often times they are COLLIDING!

These 4 generations are referred to as Veterans, Baby Boomers, Generation X and Generation Y. Below is a summary of our current workplace demographics. This data was compiled by the Montana Dept. of Labor's Research and Analysis

EMPLOYMENT STATISTICS

Generation	Employed in MT	% of MT Population	US Employed	% of US Population
Veterans	22,952	4.7%	6.46 mil	4.5%
Baby Boomers	174,927	35.7%	44.98 mil	31.0%
Gen X	192,783	39.4%	66.6 mil	45.9%
Gen Y/ Millennial	99,220	20.3%	27.02 mil	18.6%

POPULATION STATISTICS

Generation	Born/Age	How many-US	How many-Montana
Veterans	1922-1943 Age: 65-86	34 million	121,000
Baby Boomers	1943-1960 Age: 48-65	63 million	231,000
Gen X	1960-1980 Age: 28-48	83.9 million	240,000
Gen Y/ Millennial	1980-2000 Age: 8-28	82.9 million	249,000

team using data from the U.S. Census Bureau, Current population Survey, 2006.

These statistics show that in the state of Montana the once dominant population of Baby Boomers in the workplace has been surpassed by Gen X. Together Gen X and Gen Y constitute nearly 60% of the workforce in MT and almost 65% nationwide.

It seems that the days of high school students and/or college graduates getting their first job, going

to work, being on time, and doing whatever their boss asked or told them to do are long gone. The younger generation has a tendency to hop from job to job. In today's tight labor markets, it is time for the boomers and veterans to discover the strengths these younger workers offer, and learn to adapt. Wendy Samson, Development Coach and President of FutureSync International, has been studying the generations in the workplace for 10 years. She provides training to organizations and public groups with the desire to bridge the gap of the multi generations. She recommends that business owners and managers try to "screen job hoppers into their world, not out."



Wendy Samson

Today's generation of teens and 20-somethings (a.k.a. millennials or **Generation Y**) are accustomed to instant gratification. Growing up as busy kids immersed in organized activities planned by their parents, conditioned them to desire interesting, high-paced, creative jobs where they can control their schedules and the methods of completing work. They want to be their own boss. Often times, due to their lifelong exposure to cutting edge technology, they have more efficient techniques, the ability to multi-task, be highly productive and manage quite well. They are curious and have a desire to learn. Because they have quick access to answers and information literally at their fingertips through text messaging and Googling, they need immediate feedback. If they aren't receiving feedback, they tend to perceive disapproval.



Generation Xers are defined as the "latch-key" generation who has learned independence at an early age. Influential events occurring in their lives include women's liberation protests, the introduction of Tandy and Apple PC's to the market and massive business layoffs in the U.S.



They range from approximately 28-48 years old and tend to be self-reliant. Work-life balance is frequently a top priority for this generation. They appreciate a schedule without tight boundaries and have a tendency to change jobs every 18 months to 3

(Cont'd on Page 4)

Background Checks

(and the right to know)

MPD doesn't have to tell

Our Montana Constitution has two provisions that sometimes conflict with each other. First, it guarantees Montana citizens the right to know about public documents, but that right to know isn't unlimited. The constitution also contains a right of privacy, which means that government actions cannot invade individuals' privacy. The Montana Supreme Court recently discussed those constitutional provisions in a case involving a rejected employee's request to see the results of a background check. The court held that the employee had "waived" his right to know.

Facts

In November 2006, Richard Lee was offered a job with the Missoula Police Department (MPD) contingent on the completion of a background check. After a background investigation was done, MPD withdrew its employment offer, telling Lee that the offer was rescinded based on the results of the investigation. Naturally, he was curious to know why he had been rejected, so he requested information about the report. MPD refused to provide any information, explaining that when he had authorized it to conduct the background check, he had signed a document containing the following sentence: "I realize that the Missoula Police Department will NOT release the information provided to them to any person, including myself."

Lee asked the district court to order MPD to release the results of its investigation. The police department provided the information to the court in confidence, saying that it needed to respect the privacy rights and safety of individuals who had provided confidential information about Lee. At a hearing, the district court looked at the material and denied Lee's request based on the Montana Constitution. The court said that the privacy of the informants outweighed the merits of disclosing the report to Lee. The court also found that he waived his right to know the results by signing the release. Lee appealed to the Montana Supreme Court.

Right to know vs. privacy

Lee contended that because as a public employee he had a constitutional right to employment in Montana, he also had a constitutional right to look at the report. He admitted that he had signed the waiver but argued that it was invalid and unconstitutional. MPD countered that the individual privacy rights of the people who gave information about him outweighed Lee's right to know under the Montana Constitution and that he validly waived his right to know when he signed the waiver.

The Montana Supreme Court reiterated the

state's rule on individual privacy, which depends on whether "(1) the person involved had a subjective or actual expectation of privacy; and (2) whether society is willing to recognize that expectation as reasonable." But the court didn't decide the case based on privacy. Rather, it held that Lee waived his right to examine the results of the background investigation.

Waiver of rights

Because Lee was seeking employment with a public employer, he argued that the Montana Constitution's right-to-know provision meant that he had a right to examine the report. Because the right to know about public reports and documents is in the constitution, it can be waived only "by a voluntary, intelligent and knowing waiver." Thus, the question was whether he had knowingly waived his right to know.

Lee contended that his waiver wasn't enforceable because no one had told him the consequences of it. The court refused to adopt that position, noting instead that it simply needed to inquire whether the release told the person waiving his right to know that he was actually giving up the ability to examine certain information. No particular language is required.

Since the language in MPD's release did inform Lee quite clearly that he wouldn't be allowed to have the results of the background investigation, it was sufficient. Furthermore, the court pointed out that he didn't have to sign the release. He signed it so he could be considered for employment, not under coercion or duress. Even if he didn't know that he had a constitutional right to examine public documents, he was told quite clearly that he was giving up that right. *Lee v. City of Missoula*, 2008 MT 186 (May 29, 2008).

Practical application

Public employees have more rights than private employees. For example, public employment is considered a property right, and a public employee cannot be fired without due process. This case, however, is applicable to both private and public employees. If you're conducting background checks or investigations and you don't want to provide the results to an employee or a potential employee, have the applicant specifically waive his right to see or hear the contents of the investigation. That way, you're able to protect the privacy of the people who provide information, and the waiver will likely be upheld by the courts. ♣Reprinted with permission from Montana Employment Law Letter, Jeanne Matthews Bender, Editor www.HRhero.com/ Copyright 2007 M. Lee Smith Publishers LLC.

(Con't from page 2)

years. Generation X has a desire for positive feedback --- they need to know they are on the right track.

The **Baby Boomers**, formerly the largest group in the work force, are beginning to retire. Their attitude towards work changed as many transitioned from “hippies” to “yuppies”. In their 20s, they were skeptical of authority based on experience with Watergate and the Vietnam War. However, they have evolved into being the workaholics of the workplace. They are loyal to their companies and driven to work hard and long to get ahead. Boomers are used to giving feedback, but seldom receive it. A once a year evaluation with lots of documentation is what this group expects.



Veterans are those in the workplace that have reached retirement age, but continue to work. Their loyal work ethic and values were formed in the shadow of “hard times” including The Great Depression, World War 2 and the Korean War. They are traditionalists who respect their country and authority. Holding the majority of CEO slots of For-

tune 500 companies, they are financially conservative and appreciate uniformity and consistency. This older generation is humble when it comes to feedback believing there is a time and place for it. They seek no applause.



One thing each of these generations has in common is they all have been influenced by the events occurring in their lifetimes. Based upon the snapshots of each generation, it is easy to recognize this diversity and understand why organizations can find themselves in a generational tug-of-war.

Effective leaders of a multi-generation workplace are the ones who find a way to let all generations be heard and contribute to the growth and development of their organization. They embrace diversity recognizing that no one has all the answers. They are willing to understand and accept the differences among the generations, and alter their feedback style to fit the individual’s expectations. Flexibility in scheduling and staying current with technology are also key factors to their success in retaining the younger generations.

We are all products of our own life experiences. Our values, work ethic, method of communication, way of giving and desiring feedback are extremely diverse. In the world of work, it is necessary that we learn to understand and value these differences to create a harmonious environment.